

REMARKS

[0001] The following paragraphs are numbered for ease of future reference. Claims 15, 17, 21-22, 24, 28 are all the claims presently pending in this application. Claim 15 have been amended to more particularly define the claimed invention.

[0002] Applicant further respectfully submits that no new matter is added to the currently amended claims, nor has the scope of the pending claims changed, since Applicant has included the allowable subject matter of independent claim 22 into independent claim 16. Applicant respectfully traverses the rejections based on the following discussion.

[0003] Applicant gratefully acknowledges the Examiner's indication that 22, 24 and 28 have been allowed over the prior art of record. Applicant has included the allowable subject matter of claim 22 into independent claim 15, thereby to pass all the claims to allowance.

I. REJECTION UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

[0004] Claim 15 has been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claim 15 has been amended in a manner believed fully responsive to all points raised by the Examiner by removing the phrase, "wherein said parlay gateway comprises a HTTP server." In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw this rejection.

II. THE PRIOR ART REJECTION

The 35 U.S.C. § 103(a) Rejection over Mueller further in view of Examiner's Official Notice and McQuillan

[0005] Claims 15, 17 and 21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Mueller et al., U.S. Pat. App. Pub. No. 2005/0027867, (hereinafter "Mueller"), further in view of Examiner's Official Notice further in view of McQuillan et al., U.S. Pat. No. 7,207,048, (hereinafter "Official Notice and McQuillan").

[0006] The Examiner alleges that one of ordinary skill in the art would have been motivated to modify Mueller with the Examiner's Official Notice and the teaching from McQuillan to form the invention of claims 15, 17 and 21. Applicant submits, however that these references and the Examiner's Official Notice would not have been combined and even if combined, the combination would not teach or suggest each element of the claimed invention.

[0007] Applicant traverses the Examiner's rejection since, among other reasons, Mueller is directed toward a presence server receiving a request for presence information and processing the request by comparing the session initiator's identity to preferences of the session terminator to identify a preferred treatment, where the presence server returns the preferred treatment to the session initiator. However, Applicant's claimed invention is directed toward forwarding a hypertext transfer protocol (HTTP) call control extensible markup language (CCXML) application request from the service node to a parlay gateway, dynamically transforming a routing requirement into an executable CCXML routing application using the parlay gateway, forwarding the executable CCXML routing application from the parlay gateway to the service node, and executing the CCXML routing application using the service node.

[0008] More specifically, Applicant submits, that neither Mueller, nor Official Notice and

McQuillan, nor any alleged combination thereof, teaches or suggests:

“forwarding a hypertext transfer protocol (HTTP) call control extensible markup language (CCXML) application request from said service node to a parlay gateway,”

“dynamically transforming said routing requirement into an executable CCXML routing application using said parlay gateway,”

“forwarding said executable CCXML routing application from said parlay gateway to said service node,”

“executing said CCXML routing application using said service node,” and

“routing said telephone call based on results of said CCXML routing application,” per

Applicant’s independent claim 15.

[0009] The Examiner on page 3 of the Non-Final Office Action alleges that Mueller discloses Applicant’s claimed “forwarding an application request from said service node to a parlay gateway” at Mueller’s paragraphs [0054]-[0055] where Mueller’s Service Control Point (SCP) is alleged to be equivalent to Applicant’s service node. Paragraph [0053] states, that “[i]n the simple session terminator case, the SCP 52 would query a presence server (at step S60), supplying it with calling and called party information,...,” and later in paragraph [0054], “[l]ogic on the gateway would make the actual query to the presence server 16 and relay the results back to the SCP 52.” However, nowhere in the passages cited by the Examiner, and nowhere else in Mueller or the cited prior art is there any teaching or suggestion of Applicant’s claimed invention of, *“forwarding a hypertext transfer protocol (HTTP) call control extensible markup language (CCXML) application request from said service node to a parlay gateway.”*

[0010] Furthermore, nowhere in the passages cited by the Examiner, nor anywhere else in Mueller or the cited prior art is there any teaching or suggestion of Applicant’s claimed invention

of, “*dynamically transforming said routing requirement into an executable CCXML routing application using said parlay gateway,*” “*forwarding said executable CCXML routing application from said parlay gateway to said service node,*” “*executing said CCXML routing application using said service node,*” and “*routing said telephone call based on results of said CCXML routing application.*”

[0011] The Examiner admits that Mueller fails to teach or suggest, “*dynamically transforming said routing requirement into an executable routing application using said parlay gateway.*”

The Examiner takes official notice “that it would have been obvious to one of ordinary skill in the art at the time of applicant's invention that an executable routing application is a collection of instructions for the purpose of causing a processor to perform a method.”

[0012] However, Applicant respectfully traverse this rejection and maintains that it would NOT have been obvious to one of ordinary skill in the art at the time of the invention to “*dynamically transforming said routing requirement into an executable CCXML routing application using said parlay gateway.*” This feature of Applicant’s claimed invention is important to allow a standard CCXML Service node to provide call processing functionality required by a Parlay Gateway. Additionally, this allows the claimed invention to not be dependent on specific network equipment, thus allowing it to function in heterogeneous environments while not requiring a Service provider to have any special functionality beyond their basic call processing capability. The claimed invention is therefore NOT dependent on any specific type of network signaling thus results in a significantly lower cost when compared to conventional gateway processing systems. (See Applicant’s Specification at paragraph [0006].)

[0013] For these reasons, therefore, the Examiner’s Official Notice and McQuillan fails to overcome the deficiencies of Mueller.

[0014] In summary, Mueller is directed toward a presence server receiving a request for presence information and processing the request by comparing the session initiator's identity to preferences of the session terminator to identify a preferred treatment, where the presence server returns the preferred treatment to the session initiator. However, Applicant's claimed invention is directed toward *forwarding a hypertext transfer protocol (HTTP) call control extensible markup language (CCXML) application request from the service node to a parlay gateway, dynamically transforming a routing requirement into an executable CCXML routing application using the parlay gateway, forwarding the executable CCXML routing application from the parlay gateway to the service node, and executing the CCXML routing application using the service node.*

[0015] Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection since the alleged prior art references to Mueller and Official Notice and McQuillan (either alone or in combination) fail to teach or suggest each element and feature of Applicant's claimed invention.

III. FORMAL MATTERS AND CONCLUSION

[0016] In view of the foregoing, Applicant submits that claims 15, 17, 21-22, 24, 28, all of the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

[0017] Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic interview.

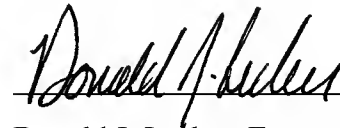
Application No. 10/840,157
Docket No. CHA920030037US1

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[0018] The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Assignee's Deposit Account No. 09-0469.

Date: May 27, 2009

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Donald J. Lecher", written over a horizontal line.

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